

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 CIVIL APPLICATION NO.9950 OF 2021
IN FAST/41789/2017

RAWAN VISHWANATH GARJE (DIED)
SOJRABAI (DIED) ASHOK (DIED) ROHINI
ASHOK GARJE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH

918 CIVIL APPLICATION NO.9953 OF 2021
IN FAST/41110/2017

VENKAT GOPINATH SURWASE AND ANR.

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH

918 CIVIL APPLICATION NO.9954 OF 2021
IN FAST/41802/2017

HARIBA BAJIRAO GARJE (DIED) THR LRS.
BAKHULBAI (DIED) THR LRS. DAGADU
HARIBA GARJE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH
918 CIVIL APPLICATION NO.11360 OF 2021
IN FAST/41798/2017

SANJAY VINAYAK GARJE

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH
918 CIVIL APPLICATION NO.9964 OF 2021
IN FAST/41767/2017

KISAN LAXMAN MURAME (DIED) THR
LRS KUSUM KISHAN MURAME

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH
918 CIVIL APPLICATION NO.9965 OF 2021
IN FAST/41770/2017

GAJENDRA MANIK GARJE (DIED) THR LRS.
JAGDEVI GAJENDRA GARJE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH
918 CIVIL APPLICATION NO.9966 OF 2021
IN FAST/41773/2017

KERBA GANPATI GARJE (DIED) THR LRS
MANGALA KERBA GARJE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH
918 CIVIL APPLICATION NO.9951 OF 2021
IN FAST/41784/2017

KISHAN TULSHIRAM GARJE (DIED) THR LRS
MADHUKAR KISAN GARJE

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH
918 CIVIL APPLICATION NO. 9952 OF 2021
IN FAST/41793/2017

INDUMATI TULSHIRAM JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

WITH
918 CIVIL APPLICATION NO.9967 OF 2021
IN FAST/40607/2017

SAHEB GANPATI GARJE

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr S.B. Patil

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 22nd APRIL, 2022

PER COURT :

1. These are the applications for withdrawal of compensation moved by the respective applicants.
2. Heard Mr Kale, learned counsel for the applicants, Mr S.B. Patil, learned counsel for the acquiring body and Mr A.B. Chate, learned AGP for the State.
3. It is revealed during the course of argument that the acquiring body has deposited entire decretal amount with interest in this Court as per the orders passed by this Court while granting the stay.
4. Mr S.B. Patil, learned counsel for the acquiring body opposed to allow this application for withdrawal of compensation amount and in second breath, he submitted that at the most, 50% of the amount of compensation may be allowed to withdraw.

5. It is the usual practice adopted by this Court to allow the applicants/claimants to withdraw 75% of the amount of compensation with interest.

6. I do not see any reason to take any different view. By taking the same view, I proceed to pass the following order :-

ORDER

- (i) The applications for withdrawal of compensation amount moved by the respective claimants are hereby allowed.
- (ii) The applicants/claimants are hereby permitted to allow to withdraw 50% amount of the compensation with interest on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) The applicants are further permitted to withdraw 25% of the amount of compensation with interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iv) Remaining amount of compensation of 25% with interest shall be invested in the Fixed Deposit Account in any nationalized bank for a period of one year initially with renewal clause.
- (v) The civil applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta